UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,074	12/20/1999	Bas Ording	001580-504	1894

21839   7590   02/26/2002

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)	
Office Action Summary	09/467,074	Ording et al	
	Examiner Bautista, X. L.	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 20, 1999*_____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-107*_____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5, 9-28, 31, 32, 35-38, 42-64, 67, 68, 71-74, 76, 79-100, 103, 104,* is/are rejected.

7) ☒ Claim(s) *6-8, 29, 30, 33, 34, 39-41, 65, 66, 69, 70, 75, 77, 78, 101, 102, 105,* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *5-7*

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

Application/Control Number: 09/467,074

Art Unit: 2173

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

>   The specification shall conclude with one or more claims particularly pointing out and
>   distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 42, 43, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

3.   Claim 42 recites, "...processor also varies a magnification of said at another of said

plurality of tiles." The claim fails to set forth the subject matter which applicant(s) regard as

their invention.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

>   A person shall be entitled to a patent unless --
>
>   (b) the invention was patented or described in a printed publication in this or a foreign country or in public use
>   or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1-5, 12-15, 20, 26, 27, 35-38, 44, 46, 48-51, 56, 62, 63, 71, 73, 74, 76, 79, 80, 84-**

87, 92, 98, 99, and 107 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Application/Control Number: 09/467,074

Art Unit: 2173

Patent #5,736,974 issued to Selker.

A. Per claims 1 and 35:

Selker discloses a method for improving visibility and selectability of icons. Enhanced visibility of icons and other types of menu items is provided by increasing size and or skew (animation) or both of one or more icons or menu items in a generally inverse relation to proximity of a cursor image address to particular icons or menu items (abstract; col. 4, lines 59-67; col. 9, lines 55-67; col. 10, lines 1-7).

B. Per claims 2, 3, 4, 36, and 37:

See per claim 1. See further col. 8, lines 26-34; figures 1-5.

C. Per claims 5, 38, 74, and 76:

See per claim 1. Selker teaches that if icons E and P (fig. 5) are at arbitrary locations on the screen 61, 62 and the cursor at another arbitrary location, evaluation of d' and d" would ordinarily be done in regard to both orthogonal directions on the display by, for example, applying the well-known Pythagorean theorem to the distances between the icon address and the cursor address in both coordinate directions. Differences in d (distance) provide for different degrees of expansion of respective icons (col. 5, lines 33-55; col. 6, lines 1-17, 40-47; col. 7, lines 27-30, 36-44, 51-57).

D. Per claims 12, 48, and 84:

See per claim 1. Selker teaches that a value is assigned to an attribute data representing a visual feature, the assigned value being from a group of at least three different values. The menu

items are displayed in accordance with the assigned attribute data value (col. 9, lines 29-35, 63-67; col. 10, lines 1-7).

E. Per claims 13, 49, and 85:

Selker teaches that the size of the menu item is limited in response to detection of the cursor location within the detection zone of the menu item (col. 8, lines 55-60; col. 9, lines 29-36; col. 10, lines 21-23).

F. Per claim 14, 50, and 86:

Selker teaches that the user can enlarge the icon at will and also shrink the icon by moving the cursor toward the normal position of the icon in the unexpanded (default) icon menu (col. 6, lines 60-67; col. 7, lines 1-26).

G. Per claims 15, 51, and 87:

Selker teaches that an icon can be expanded to an arbitrary size (col. 5, lines 34-55; col. 6, lines 1-17, 40-47; col. 7, lines 36-44).

H. Per claims 20, 56, and 92:

See per claim 1. See further figures 1-5.

I. Per claims 26 and 62:

See per claim 1. See further col. 5, lines 19-33.

J. Per claims 27, 63, and 99:

See per claim 1. See further figures 1-5.

K. Per claims 44 and 80:

See per claim 14.

L. Per claim 46:

See col. 7, lines 4-11; figures 1-5

M. Per claims 71 and 107:

See per claim 5.

N. Per claim 73:

Selker teaches icons E and P at arbitrary locations. Each icon is distorted and appear to reach out for the cursor. At any arbitrary size of the respective icons, the relative difference in addresses in each coordinate direction may be used to produce skew by advancing or delaying the rendering of each raster line of each icon image in dependence of the delay corresponding to respective values of d' and d" (col. 5, lines 19-33; col. 7, lines 27-50; col. 8, lines 26-60).

O. Per claim 79:

Selker teaches that the size factor can be limited for limiting size expansion (col. 7, lines 18-25; col. 8, lines 1-10, 55-60).

P. Per claim 98:

See per claim 5. See further col. 5, lines 33-55; col. 6, lines 1-17, 40-47; col. 7, lines 27-30, 36-44, 51-57; figs. 2-5.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

7.   **Claims 9, 10, 81, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Selker.

A. Per claims 9 and 81:

See per claim 1. Selker does not teach that the size of the tiles is varied based on a sine

function however, it would have been obvious to one ordinarily skilled in the art at the time of

invention to use a sine function to vary the size of the icons in Selker's invention because sine

functions are known to be used for generating curved graphical objects wherein the arc is of

length x and the height varies in relation to sin x.

B. Per claims 10 and 82:

See per claim 1. Selker does not teach the position of the icon menu (bar) however, it

would have been obvious to one having ordinary skill in the art at the time the invention was

made to position Selker's bar at the bottom of the display because the user can easily access and

manipulate the icons.

8.   **Claims 11, 16, 17, 21-24, 47, 52, 53, 57-60, 72, 83, 88, 89, and 93-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker in view of US Patent 5,825,357 issued to Malamud et al (Malamud, hereinafter).**

A. Per claims 11, 47, and 83:

See per claim 1. Selker does not teach that there is a gap between the bar and the bottom of the display. However, Malamud discloses a tool interface which includes a tray section 12 and an applications section 14. Display mode controls associated with the tray section enable a user to define how, where, and when the tray section and computer resources associated with the tray are displayed. The user may either attach the tray section to any of the four sides of the display screen or display the tray section as a palette (fig. 3). In the palette mode of display for the tray section, both the dimensions and position of the tray section are modifiable by the user (abstract; col. 4, lines 35-48). Therefore, it would have been obvious to an artisan in the art at the time of invention to include Malamud's palette mode in Selker's invention because the user is enabled to define the bar's position leaving, or not, a space between the bar and the bottom of the display.

B. Per claims 16, 17, 52, 53, 88, and 89:

Selker does not teach that the bar is removed from the display when the cursor moves away from the bar. However, Malamud teaches that in the collapse mode the tray section is collapsed to a width of four pixels, enabling the applications section to occupy substantially the entire screen (col. 5, lines 52-67; col. 6, lines 1-13). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to include Malamud's teachings in

Selker's invention because the user is enabled to instruct the computer system to hide or minimize the toolbar when needing to occupy the entire screen.

C. Per claims 21, 57, and 93:

See per claim 20. Selker does not teach that the tiles occupy multiple rows however, Malamud teaches a panel area 24 of the video interface which has a set of advanceable panels. Only one panel is displayed in the tray section 12 at any given point in time (col. 6, lines 51-60). Thus, it would have been obvious to one ordinarily skilled in the art at the time of invention to include Malamud's advanceable panels in Selker's invention because they provide more space for multiple tiles when the user has too many applications running.

D. Per claims 22, 58, and 94:

See per claim 20. Malamud teaches that a permanently displayed extended command area 23 of the tray section 12, referred to as an embedded computer resource. The embedded computer resource includes a system icon 28 and a digital clock display 44, but other computer resources can be added to the command area 22 (col. 6, lines 41-60; col. 9, lines 49-61).

E. Per claims 23, 59, and 95:

See per claim 22. See further Malamud, figure 2.

F. Per claims 24, 60, and 96:

See per claim 22.

G. Per claim 72:

See per claim 21. Malamud teaches that tiles have a minimum size which is changed

when the panel exceeds the minimum size requirement (col. 5, lines 12-22; col. 6, lines 41-60; col. 10, lines 54-60).

H. Per claim 97:

See per claim 22.

9.   Claims 18, 19, 25, 54, 55, 61, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker in view of US Patent 5,657,049 issued to Ludolph et al (Ludolph, hereinafter).

A. Per claims 18, 54, and 90:

Selker does not teach that when the bar is removed it appears to slide into an edge of the display in response to a keystroke. However, Ludolph discloses a Desk Drawer which is closed (removed) when the cursor pointer 50 leaves the drawer region 35. Mouse and/or keyboard commands may be effectuated to close the Desk Drawer (col. 9, lines 31-39; col. 13, lines 16-22). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Ludolph's teachings in Selker's invention because animation creates the illusion of movement, it adds realism, the drawer not only disappears but the user can actually see it opening and closing.

B. Per claims 19, 55, and 91:

See per claim 18. Ludolph teaches that the computer automatically closes (autohide) Desk Drawer when the cursor pointer leaves the drawer region 35 (col. 13, lines 16-22).

C. Per claims 25 and 61:

See per claim 19.

10.   **Claims 28, 31, 32, 64, 67, 68, 100, 103, and 104 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Selker in view of US Patent 6,256,649 B1 issued to Mackinlay et

al (Mackinlay, hereinafter).

A. Per claims 28, 64, and 100:

Selker does not teach that labels associated with the tiles are displayed with a first

predetermined fade-in rate when the cursor moves proximate to a tile from another tile.

However, Mackinlay discloses an animated spreadsheet wherein a user can specify the current

cell just by moving the mouse cursor on the cell. When the cursor comes in a cell, the data flow

graph associated with the cell gradually appear on the screen (fades in), and it gradually

disappears when the cursor moves away from the cell (fades out), (abstract; col. 3, lines 11-26;

col. 7, lines 32-37; col. 8, lines 21-48). Thus, it would have been obvious to an artisan in the art

at the time the invention was made to include a fade-in and fade-out rate in Selker's invention

because the gradual increase in visibility (fade-in) allows the icon closest to the cursor to take up

most of the user's attention and the gradual disappearance (fade-out) avoids confusion when

making a selection.

B. Per claims 31, 32, 67, 68, 103, and 104:

See per claim 28.

Allowable Subject Matter

11.   Claims 6-8, 29, 30, 33, 34, 39-41, 65, 66, 69, 70, 75, 77, 78, 101, 102, 105, and 106 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12.   The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach or suggest a predefined relationship between an effect width W, a default height h, and a selected maximum height H including a function S defined as: $S = ((H - h) \div sine\ (\pi \times (h \div 2) \div (W \times 2))$, as recited in claims 6, 39, and 75.

Prior art of record does not teach or suggest a second predetermined fade-in rate when the cursor moves proximate to a tile from outside a region associated with the bar, as recited in claims 29, 65, and 103; and a second fade out rate when the cursor moves out of a region associated with the bar, as recited in claims 33, 69, and 105.

Selker (US Patent 5,736,974) discloses a distance d which can be computed from an address within the icon menu 30. The icon menu must be unaffected for cursor image positions over most of the display area or window. Some specific or inherent threshold of proximity between the icon menu and cursor selection position 25 should be provided (col. 5, lines 19-32; col. 6, lines 10-17; col. 7, lines 35-43; col. 8, lines 37-45). Selker fails to teach that the position of the tile varies based on a predefined relationship including a function S defined as

$S = ((H - h) \div sine\ (\pi \times (h \div 2) \div (W \times 2))$.

Mackinlay et al (US Patent 6,256,649 B1) discloses an animated spreadsheet wherein a brief animation is displayed after a user indicates interest in an annotation. When the cursor comes in a cell the data flow graph associated with the cell gradually appears on the screen (fades in), and it gradually disappears when the cursor moves away from the cell (fades out). Mackinlay fails to teach or suggest a second predetermined fade-in rate when the cursor moves proximate to a tile from outside a region associated with the bar, and a second fade out rate when the cursor moves out of a region associated with the bar.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

14. Responses to this action should be mailed to: Commissioner of Patents and trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Ms. X. L. Bautista whose telephone number is (703) 305-3921. The

Examiner can normally be reached on M - Th. from 8:00 - 6:00 ET. If attempts to reach the

Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached

at (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO

employees do not engage in Internet communications where there exists a possibility that

sensitive information could be identified or exchanged unless the record includes a properly

signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and

Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3900.

XLB

February 20, 2002

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173